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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,795	02/23/2000	Richard Schunk	37069/JEC/X2	3884

35114 7590 03/13/2003

ALCATEL INTERNETWORKING SYSTEM, INC.  
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT  
3400 W. PLANO PARKWAY, MS LEGL2  
PLANO, TX 75075

EXAMINER

LEVITAN, DMITRY

ART UNIT PAPER NUMBER

2662

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/511,795

Applicant(s)

SCHUNK ET AL.

Examiner

Dmitry Levitan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

*Specification*

- ✓ 1. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities:
- ✓ a. On page 8, line 23, "16c" should be corrected to "16".
- ✓ b. On page 42, line 18, "protection relay 510" should be corrected to "protection relay 520".
- ✓ c. On page 55, line 8, "propogated" should be corrected to "propagated".
- ✓ d. Abbreviations or acronyms FTAM, RADIUS, RIP, OSPF, BGP4 are cited throughout the specification without explanation. Applicant should provide a full explanation for the acronyms at least their at first occurrence in the specification. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 4, 6-8, 11-15, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yin (US 5,982,748).

Regarding claims 1, 8, 14 and 15, Yin teaches an apparatus and a method for a multi service network switch (Fig. 1 and col. 2 lines 45-46, col. 4 lines 31-34) comprising:

Receiving an incoming connection request (connection request on Fig. 1 and col. 4 lines 37-40);

Assigning (CAC 10 on Fig. 1 and col. 4 lines 34-43) an access level (service class on Tables 1 and 2, col. 1 lines 39-55) to the incoming connection request based on a characteristic (QoS and traffic parameters col. 1 lines 27-38 and lines 56-65) of an incoming connection request, the access level being associated with an access threshold (Bandwidth Allocated to Service Class on Table 2, col. 4 lines 8-29);

Identifying (CAC) the resource requested by the incoming connection request (steps 36, 42, 48 on Fig. 2 and col. 5 lines 16-18, 26-27, 33-34);

Determining an amount of current usage for the identified resource (rate monitor 16 on Fig. 1 and col. 4 lines 56-67, steps 38,44,50 on Fig. 2 col. 5 lines 37-44); and

Allocating (CAC) the identified resource (variable A(i) on Fig. 4 and col. 6 lines 43-65) to the incoming connection request (step 82 on Fig. 4 and col. 8 lines 39-41) if the amount of current usage is less than the access threshold associated with the assigned access level (step 76 on Fig. 4 and col. 8 lines 32-39, col. 6 lines 8-35).

In addition regarding claim 14, Yin teaches interface lines for receiving an incoming connection request (Connection request 12 on Fig. 1 and col. 4 lines 34-35),

A memory storing a plurality of access levels (database 15 on Fig. 1 and col. 4 lines 40-48), and  
A processor coupled to the memory to execute program instructions (Connection Admission  
Control 10 on Fig. 1 and col. 4 lines 34-48).

Regarding claims 4, 11 and 18, Yin teaches a method and apparatus wherein the characteristic of  
the incoming call is a type of inlink carrying the incoming connection request (col. 1 lines 26-  
38).

Regarding claims 6, 12 and 20, Yin teaches a method and apparatus wherein the characteristic of  
the incoming call is a type of user submitting the connection request (constant data, voice. Video  
col. 1 lines 39-55).

Regarding claims 7 and 13, Yin teaches a method and apparatus comprising communicating a  
request for the identified resource, the communicated request including the identified quality of  
access level (CBR, ABR, UBR on Fig. 1 and col. 1 lines 39-55);

Communicating a response indicating that the identified resource is available (col. 2 lines 26-29)  
and

Communicating a request to allocate the identified resource (col. 2 lines 29-41).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 5, 9, 16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yin (US 5,982,748).

Regarding claims 2, 9 and 16, Yin substantially teaches all the limitations of parent claims 1, 8, 14 including terminating a connection and reallocating the resource previously allocated to the terminated connection (col. 4 lines 43-48).

Yin does not teach terminating an existing connection based on its access level.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add termination a low priority connection (UBR col. 1 lines 52-55) to the system of Yin to improve the system utilization of network resources.

Regarding claims 5 and 19, Yin substantially teaches all the limitations of parent claims 1, 14 including storing information regarding existing connections (col. 4 lines 40-45) and updating it. Yin does not teach associating a connection request with a phone number.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use of phone numbers to identify existing and new connections in the system of Yin to improve the system utilization of network resources.

7. Claims 3, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yin in view of Hardwick (US 5,550,816).

Yin substantially teaches all the limitations of parent claims 1, 2, 8, 9 and 14 including allocating bandwidth to different service classes and monitoring it.

Yin does not teach plurality of virtual routers as different service classes.

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Hardwick teaches plurality of virtual routers as different service classes (closed user groups col. 5 lines 47-65 and col. 15 lines 17-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add plurality of virtual routers of Hardwick to the system of Yin to improve the system utilization of network resources.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saranka      6,314,085      CAC in broadband network.

Esaki      5,153,877      Packet network with communication resource allocation and call set up control.

Soumiya      5,583,857      CAC method and system in a network for a bandwidth allocation based on the average cell rate.

Jurkevich      5,251,209      Prioritizing attributes in integrated services networks.

Sriram      5,463,620      Bandwidth allocation transmission scheduling, and congestion avoidance in ATM networks.

Prasad      6,377,550      Nested measurement period switch algorithm for flow control of ABR ATM communications.

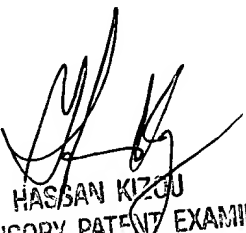
Wu      6,442,164      Method and system for allocating bandwidth and buffer resources to CBR traffic.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Dmitry Levitan  
Patent Examiner.  
March 10, 2003

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600